



# CITY OF LODI

## COUNCIL COMMUNICATION

**AGENDA TITLE:** Resolution opposing AB 170 regarding an unfunded state mandate that will require cities and counties in the San Joaquin Valley Air Pollution Control District to prepare and adopt air quality General Plan policies or a separate General Plan Element

**MEETING DATE:** June 3, 2003

**PREPARED BY:** J.D. Hightower, City Planner

**RECOMMENDED ACTION:** Adopt a resolution opposing AB 170 regarding an unfunded state mandate that will require cities and counties in the San Joaquin Valley Air Pollution Control District to prepare and adopt air quality General Plan policies or a separate General Plan Element.

**BACKGROUND INFORMATION:** On May 27, 2003, the State Assembly held a second reading of AB 170 that will require all cities and counties within the San Joaquin Valley Air Pollution Control District to prepare and adopt air quality General Plan policies or a separate General Plan

Element. Cities and Counties would have five years to amend General Plan policies or adopt a separate air quality element. Although written with good intentions, staff recommends that the Council oppose this bill for a variety of reasons.

This bill singles out cities and counties in the valley for compliance with a relatively obscure document that the San Joaquin Valley Air Pollution Control District published in 1994 called Air Quality Guidelines for General Plans. As titled, this document was intended as a guideline for city staff when preparing general plans and contains several ideas, that if implemented, could help reduce air pollutants created by General Plan build-out. As such it is a brainstorming of numerous ideas and is not an objective based document. Because of the lack of solid objectives and benchmarks, this document does not necessarily make for clear and concise general plan direction. To require cities and counties to conform to a guideline would be contrary to the intent of this document.

Furthermore, the guidelines emphasized ideas that could lead towards less reliance on the automobile. So while the district is not complying with federal and state standards for both PM<sub>10</sub> (dust) and ozone, the document only addresses a portion of the overall creation of ozone and does not address the problem of PM<sub>10</sub>. Again this document, while noble in its purpose, was not designed to address the overall problem of non-compliance with state and federal standards. Thus the proposed law would represent an incomplete planning effort.

As anyone who has lived in the valley will acknowledge, agricultural operations is the primary cause of dust and thus PM<sub>10</sub>. Furthermore, agriculture contributes to the formation of ozone though the operation of equipment and normal agricultural practices such as irrigation pumps and burning. To single out cities and counties and not make all parties accountable towards improving air quality, does not make for sound planning practice.

Improving air quality is an important issue facing our region. The state should be looking for successful programs in California. Our situation is not unlike that of the Los Angeles basin in the 1970's and 80's.

**APPROVED:**

J. Dixon Flynn -- City Manager

Through sound proactive planning, involving all parties, their basin is experiencing cleaner air. This solution was not achieved by the state needlessly dictating programs to a specific region, but by state, local, industry, and commerce leaders coming together to solve a mutual problem. This is a reasonable approach and process that has proven success.

This bill is an example of one of the many unfunded state mandates passed by the Assembly. Although by law the state must provide funding for mandates, this bill skirts this issue by stating that a city could impose a fee for the preparation of these newly required General Plan policy or element. No fees are being collected nor were they anticipated, thus this bill represents an unfunded mandate.

Clean air is an important issue for all state residents. It is also a complex issue with many inter-relationships. In devising a regulatory framework that balances these two factors it must be remembered that the most important aspect to making sound democracy is to treat all parties fairly. This bill singles out the valley without paying attention to the migration of air pollutants created in the bay area. The way that our air basin is created, we breathe air that has migrated from the bay area. To ignore the initial source of pollutants without forcing the bay area cities to prepare policies to minimize migrating pollutants does not equitably share the responsibility. Thus a meaningful solution will necessarily involve at least the bay area and not just the residents of the valley.

FUNDING: None required

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke extending to the right.

Konradt Bartlam  
Community Development Director



Better Cities – A Better Life

# League of California Cities

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May 7, 2003

Assembly Member Sarah Reyes  
State Capitol, Room 5136  
Sacramento, CA 95814

RE: **AB 170 (Reyes) General Plans: San Joaquin Air Quality District  
Notice of Opposition (Based Upon 4/28/03 Version)**

Dear Assembly Member Reyes:

I regret to inform you that the League of California Cities **OPPOSES** your AB 170. Several days ago this measure was converted from a nursing bill into a legislation that establishes significant mandates upon the local governments within the jurisdiction of the San Joaquin Valley Air Pollution Control District (SJVAPCD). Affected agencies have been taken by surprise, and given little time to comment on AB 170. The absence of this essential perspective thus far in the discussion is likely to undermine efforts to improve air quality in the region rather than enhance them.

Although the legislation only applies to the San Joaquin Valley region, the League remains concerned that AB 170 would establish statewide precedents that could be detrimental to jurisdictions beyond the bill's ostensible influence.

In its current form, AB 170 would require all local governments within the SJVAPCD to adopt a detailed, separate "air quality" element in their general plans. Local communities would also be compelled to amend other general plan elements to include comprehensive goals and strategies for improving air quality over their next general plan update or the upcoming five years, depending on which time span is shorter. Finally, the bill requires jurisdictions in the region to prepare a number of reports to be submitted both to the public and the SJVAPCD.

In addition to opposing the provisions of AB 170 that would force local jurisdictions to radically revise their general plan documents, we believe the legislation fails to acknowledge that air pollution and at times its most significant source may not be confined within city, or even county borders. Adopting a new air quality element as part of one general plan in the SJVAPCD and implementing it will do little to curb pollution from neighboring cities or counties that may actually contribute more heavily to the problem.

AB 170 (Reyes)

Page 2 of 2

May 7, 2003

Air quality issues should be and are currently addressed on a regional basis. Many of the additional mandates AB 170 would impose on local governments are duplicative since regional air quality districts have many of these same responsibilities already.

In addition, AB 170 compounds the conflicting messages local governments receive from the state. While AB 170 is designed to elevate the importance of air pollution control in the general planning process, existing law simultaneously pressures local governments to zone for an additional housing units. To comply with this bill, communities that embrace air pollution control as paramount and modify their general plans accordingly could easily be accused of being anti-housing at the same time.

If AB 170 was enacted in a vacuum, it might stand alone as good policy. However, the League has strong reservations about how the bill would work in conjunction with every other state law affecting land use. Moreover, we are highly skeptical that financially overburdened local governments would be able to follow through and implement the newly drafted air quality element successfully without any additional resources.

If you have any questions, or I can be of any assistance, please call me at 916.658.8222.

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel Carrigg", written in a cursive style.

Daniel Carrigg  
Legislative Representative

cc: Members, and Consultant, Assembly Local Government Committee

RESOLUTION NO. 2003-97

A RESOLUTION OF THE LODI CITY COUNCIL OPPOSING ASSEMBLY BILL 170  
REGARDING AN UNFUNDED STATE MANDATE THAT WOULD REQUIRE CITIES  
AND COUNTIES IN THE SAN JOAQUIN VALLEY AIR POLLUTION CONTROL  
DISTRICT TO PREPARE AND ADOPT AIR QUALITY GENERAL PLAN POLICIES  
OR A SEPARATE GENERAL PLAN ELEMENT

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WHEREAS, on May 27, 2003, the State Assembly held a second reading of AB 170 that would require all cities and counties within the San Joaquin Valley Air Pollution Control District to prepare and adopt air quality General Plan policies or a separate General Plan Element. Cities and counties would have five years to amend general plan policies or adopt a separate air quality element; and

WHEREAS, this Bill singles out cities and counties in the Valley for compliance with a relatively obscure document that the San Joaquin Valley Air Pollution Control District published in 1994 called Air Quality Guidelines for General Plans; and

WHEREAS, the guidelines emphasized ideas that could lead toward less reliance on the automobile. While the district is not complying with federal and state standards for both PM<sub>10</sub> (dust) and ozone, the document only addresses a portion of the overall creation of ozone and does not address the problem of PM<sub>10</sub>; and

WHEREAS, agricultural operations are the primary cause of dust and thus PM<sub>10</sub>. Agriculture contributes to the formation of ozone though the operation of equipment and normal agricultural practices such as irrigation pumps and burning; and

WHEREAS, this Bill is an example of one of the many unfunded state mandates passed by the Assembly. Although by law the State must provide funding for mandates, this Bill skirts this issue by stating that a city could impose a fee for the preparation of these newly required general plan policies or elements. No fees are being collected nor were they anticipated, thus this Bill represents an unfunded mandate; and

WHEREAS, clean air is an important issue for all state residents. This Bill singles out the Valley without paying attention to the migration of air pollutants created in the Bay Area. The way that our air basin is created, we breathe air that has migrated from the Bay Area. To ignore the initial source of pollutants without forcing the Bay Area cities to prepare policies to minimize migrating pollutants does not equitably share the responsibility.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council hereby declares its opposition to AB 170 regarding the unfunded State mandate that would require cities and counties in the San Joaquin Valley Air Pollution Control District to prepare and adopt air quality general plan policies or a separate general plan element.

Dated: June 3, 2003

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I hereby certify that Resolution No. 2003-97 was passed and adopted by the City Council of the City of Lodi in a special meeting held June 3, 2003, by the following vote:

AYES: COUNCIL MEMBERS – Beckman, Howard, and Land  
NOES: COUNCIL MEMBERS – Mayor Hitchcock  
ABSENT: COUNCIL MEMBERS – Hansen  
ABSTAIN: COUNCIL MEMBERS – None

  
SUSAN J. BLACKSTON  
City Clerk